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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/623,747

07/21/2003

Paul J. Hepworth

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08/25/2004

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EXAMINER

CAPUTO, LISA M

ART UNIT

PAPER NUMBER

2876

DATE MAILED: 08/25/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/623,747	<b>Applicant(s)</b> HEPWORTH ET AL.	
	<b>Examiner</b> Lisa M Caputo	<b>Art Unit</b> 2876	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-63 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-63 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 July 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |  |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)            |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>10/22/03</u> . | 6) <input type="checkbox"/> Other: ____  |

## **DETAILED ACTION**

### ***Drawings***

1. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description:

Reference number 216a is on page 9, line 10 of the specification but does not appear in the Figures. Reference number 1300 appears on page 25, line 4 of the specification but does not appear in the Figures.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

2. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference character "1418" has been used to designate both a bus and an input device as seen in Figure 14.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended

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replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### ***Specification***

3. The abstract of the disclosure is objected to because the word "disclosed" appears in it.

Applicant is reminded of the proper language and format for an abstract of the disclosure. The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details. The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

Correction is required. See MPEP § 608.01(b).

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

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4. Claims 1, 8-13, 18, 20-22, 29-34, 39, 41-43, 50-55, 60, and 62-63 are rejected under 35 U.S.C. 102(b) as being anticipated by Reber et al. (U.S. Patent No. 6,032,195, from hereinafter "Reber").

Regarding claims 1, 18, 20-22, 39, 41-43, 60, and 62-63 Reber teaches a method, system, and computer readable medium that receives object identifier data including information and formatting characters similar to conventional bar code protocol (optical code 14) from an object identifier reader (data reader 30), identifies the information in the object identifier data (the data communication circuit 44, in communication with the optical code 14, directs the optical interface 32 to communicate a message based upon the decoded data stored in the memory 36), identifies at least one application to receive the information, and sends information to at least one application (the processor 34 provides a personal agent enabler 46 to direct an external device, such as network apparatus 50, to retrieve and execute a destination specific software agent). Further, regarding claims 22, 39, and 41-42, Reber teaches that the optical reader includes an optical interface 32, a processor 34, and a memory 36. Reber also teaches a computing device (network access apparatus 50; see col 4, lines 31-41) that comprises a communication interface in electronic communication with the object identifier (data reader 30), a processor, a memory with at least one application stored within it, and in electronic communication with the processor, and a software module stored in the memory which is able to implement the method outlined above (software agent). Hence, two interfaces are used as recited in claims 20, 41, and 62 of the instant application (optical interface 32 and data enabler 46). In addition, Reber

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teaches that the object identifier is tested until the application intended to receive the information is found as recited in claims 18, 39, and 60 of the instant application.

Further, Reber teaches that the identifier information can be sent to a plurality of applications as recited in claims 21, 42, and 63 of the instant application (see Figures 1-2, col 2 line 5 to col 7 line 58).

Regarding claims 8-13, 29-34, and 50-55, Reber teaches a network navigation device 12 having an optical code 14 and human readable information 16 which is used to identify a destination 20 and a task associated with the destination 20 (see col 2, lines 20-57). Hence, Reber teaches that the object identifier information is generated from an object identifier, and it comprises receiving supplemental information in the form of human readable information which provides additional information on carrying out instructions, determining a characteristic of the information, and formatting the information.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation

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under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

6. Claims 2-7, 14-17, 19, 23-28, 35-38, 40, 44-49, 56-59, and 61 are rejected under 35 U.S.C. 103(a) as being unpatentable over Reber in view of Shupps et al. (U.S. Patent Application Publication 2003/0088643, from hereinafter "Shupps").

Regarding claims 2, 19, 23, 40, 44, and 61 although Reber does indeed teach that the object identifier data is matched with a pattern that includes further instructions when it is taught that the encoded data is decoded and routed to a correct software agent (see col 4), Reber fails to teach that the pattern is associated with one or more instructions for deleting formatting characters from the object identifier data, and carrying out those instructions.

Shupps teaches a method and computer system for isolating and interrelating components of an application. Shupps discloses that regular expressions can be programmatic components that enable the complex manipulation, searching, and matching of textual components of a code. The extensive pattern-matching notation of regular expressions allows an application to quickly parse large amounts of text to find specific character patterns; to extract, edit, replace, or delete text substrings; or to add the extracted strings to a collection in memory (see paragraph 47). Hence, Shupps teaches that it is useful to have instructions for deleting certain characters in a code.

In view of the teaching of Shupps, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have the pattern be associated with more instructions for deleting the formatting characters because these characters serve the purpose of being an identification means, and once the code is identified these characters may be discarded in order for the system to continue to run efficiently with only the necessary code data.

Regarding claims 3-7, 24-28, and 45-49, Reber teaches that the pattern and instructions for the execution of the message to the software agent are predefined and that the method is implemented by a first instance of a software module, and the pattern and instructions are shared between and first and second instance of the software module. In addition, Reber teaches that the instructions are read from a database, a file, or downloaded over a network (see Figures 1-2, col 4, line 60 to col 5 line 12).

Regarding claims 14-17, 35-38, and 56-59, Reber fails to teach that the object identifier data comprises unidentifiable data (that is either sent back or discarded) and that the user is alerted about.

Shupps discloses that regular expressions can be programmatic components that enable the complex manipulation, searching, and matching of textual components of a code. The extensive pattern-matching notation of regular expressions allows an application to quickly parse large amounts of text to find specific character patterns; to extract, edit, replace, or delete text substrings; or to add the extracted strings to a collection in memory (see paragraph 47). Hence, Shupps teaches that identifier data in a code can be unidentifiable, and could be parsed or added to within the new code.



In view of the teaching of Shupps, it would have been obvious to one of ordinary skill in the art at the time the invention was made to employ a code with unidentifiable data that is either sent back or discarded (and to alert a user that unidentifiable data has been discarded) because this allows for a check to ensure that the data stays dynamic so that there is no foul play with the code and it allows the user is to be alerted to possible fraudulent activity.

### **Conclusion**

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Lisa M. Caputo** whose telephone number is **(571) 272-2388**. The examiner can normally be reached between the hours of 8:30AM to 5:00PM Monday through Friday. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael G. Lee can be reached at **(571) 272-2398**. The fax phone number for this Group is (703) 872-9306.

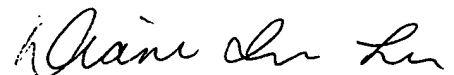
Communications via Internet e-mail regarding this application, other than those under 35 U.S.C. 132 or which otherwise require a signature, may be used by the applicant and should be addressed to [**lisa.caputo@uspto.gov**].

*All Internet e-mail communications will be made of record in the application file. PTO employees do not engage in Internet communications where there exists a possibility that sensitive information could be identified or exchanged unless the record includes a properly signed express waiver of the confidentiality requirements of 35 U.S.C. 122. This is more clearly set forth in the Interim Internet Usage Policy published in the Official Gazette of the Patent and Trademark on February 25, 1997 at 1195 OG 89.*

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
LMC

August 19, 2004



**DIANE I. LEE**  
**PRIMARY EXAMINER**